Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXX] Trivandrum, Tuesday, 16th April 1985 / 26th Chaithra 1907 [No. 320

GOVERNMENT OF KERALA

Law (Legislation-A) Department

NOTIFICATION

No. 9229/Leg.(A)1/84/Law. *Dated, Trivandrum, 16th April,* 1985/ *26th Chaithra,* 1907.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 13th day of April, 1985.

By order of the Governor,

P. P. Mathai,

Special Secretary (Law).

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1985.

83/1543/MC.

ACT 10 OF 1985

THE KERALA PROVISIONAL COLLECTION OF REVENUES ACT, 1985

An Act to provide for the immediate effect for a limited period of provisions in Bills for giving effect to budget proposals.

Preamble.—WHEREAS the proposals relating to imposition or increase of taxes, duties, cesses, fees and other revenues in the budget speech for each financial year have to be given effect to with effect from the commencement of the financial year to which those proposals relate;

BE it enacted in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Provisional Collection of Revenues Act, 1985.

(2) It shall be deemed to have come into force on the 1st day of March 1984.

2. *Definitions.*—In this Act,—

(a) "declared provision" means a provision in a Bill in respect of which a declaration has been made under section 3;

(b) "Legislative Assembly" means the Legislative Assembly of the State of Kerala.

3. *Power to make declarations under this Act.*—Where a Bill to be introduced in the Legislative Assembly on behalf of the Government provides for the imposition or increase of any tax, duty, cess, fee or other revenue, the Government may cause to be inserted in the Bill a declaration that it is expedient in the public interest that any provision of the Bill relating to such imposition or increase shall have effect from the 1st day of April following the date of introduction of the Bill.

4. *Effect of declarations under this Act and duration thereof.*—(1) A declared provision shall have the force of law on the 1st day of April following the date on which the Bill containing it is introduced in the Legislative Assembly.

(2) A declared provision contained in a Bill shall cease to have the force of law under the provisions of this Act,—

(a) when it comes into operation as an enactment with or without amendment; or

(b) when the Government, in pursuance of a motion passed by the Legislative Assembly, directs, by notification in the Gazette, that it shall cease to have the force of law; or

(c) if it has not already ceased to have the force of law under clause (a) or clause (b), then on the expiry of one hundred and twenty days from the 1st day of April following the date on which the Bill containing it was introduced.

5. *Certain refunds to be made when declaration ceases to have effect.*—(1) Where a declared provision comes into operation as an enactment in an amended form before the expiry of the period referred to in clause (c) of sub-section (2) of section 4, refunds shall be made of all taxes, duties, cesses, fees and other revenues collected which would not have been collected if the provision adopted in the enactment had been the declared provision:

Provided that the rate at which refunds of any tax, duty, cess, fee or other revenue may be made under this sub-section shall not exceed the difference between the rate of such tax, duty, cess, fee or other revenue proposed in the declared provision and the rate of such tax, duty, cess, fee or other revenue in force immediately before the 1st day of April following the date of introduction of the Bill.

(2) Where a declared provision ceases to have the force of law under clause (b) or clause (c) of sub-section (2) of section 4, refunds shall be made of all taxes, duties, cesses, fees and other revenues collected which would not have been collected if the declaration in respect of it had not been made.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the amount to be refunded under this section may, at the option of the person entitled to the refund, be adjusted against any tax, duty, cess, fee or other revenue which is, or may become recoverable, from such person.

6. *Repeal and saving.*—(1) The Kerala Provisional Collection of Revenues Ordinance, 1984 (93 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the said Ordinance shall be deemed to have been done or taken under this Act.

Government of Kerala
1985

Reg. No. KL/TV(N)/12

KERALA GAZETTE

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Vol. XXX] Trivandrum, Tuesday, 16th April 1985 / 26th Chaithra 1907 [No. 321

GOVERNMENT OF KERALA

Transport (H) Department

NOTIFICATION

G. O. (P) No. 16/85/Tr. D. *Dated, Trivandrum, 11th April, 1985.*

S. R. O. No. 524/85.—In exercise of the powers conferred by sub-section (1) of Section 2 of the Kerala Public Services Act, 1968 (19 of 1968), the Government of Kerala hereby make the following further amendment to the Special Rules for the Kerala State Water Transport Service (Administration Wing) issued under notification No. G. O. (P) 97/77/PW dated the 25th June, 1977, and published as S.R.O. No. 552/77 in the Kerala Gazette Extraordinary No. 358 dated the 25th June, 1977, namely:—

AMENDMENTS

In the said Rules, to rule 2, the following note shall be added, namely:—

"*Note*:—Appointment to category 2 & 3 shall be made from a select list of eligible officers prepared on the basis of merit and ability, seniority being considered only where merit and ability are approximately equal. Persons included in the select list shall be ranked in the order of their seniority".

33/1545/MC.

This Notification shall be deemed to have come into effect on and with effect from the 25th June, 1977.

By order of the Governor,

R. C. CHOUDHURY,

Secretary to Government.

Explanatory Note

(This is not part of the Notification but is intended to bring out the main purport).

In the Special Rules for S.W.T. Department (Administration Wing) issued in G. O. (P) 97/77/PW dated 25-6-1977, there is no provision to make regular appointment to the post of P.A. to the Director, S.W.T. Department from a select list prepared from the members eligible for appointment to such category. Hence this notification.

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